

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
FEBRUARY 12, 2020**

CALL TO ORDER A meeting of the Flathead County Planning Board was called to order at
6:01 PM approximately 6:01 p.m. at South Campus Building, 40 11th Street W, Ste.
200, Kalispell, Montana. Board members present were Dean Sirucek, Greg
Stevens, Sandra Nogal, Jeff Larsen, Mike Horn, Elliot Adams, and Jim
Thompson. Kevin Lake and Ron Schlegel had excused absences. Donna
Valade, Rachel Ezell, Erin Appert, Erik Mack, and Mark Mussman
represented the Flathead County Planning & Zoning Office.

There were 54 members of the public in attendance.

APPROVAL OF It was decided to postpone the approval so that they had time to review it in
MEETING full.
MINUTES
6:02 PM

PUBLIC None
COMMENT
(Public matters that
are within the
jurisdiction of the
Board 2-3-103
M.C.A)
6:02 PM

DISCLOSURE OF None
ANY CONFLICT
OF INTERESTS
6:02 PM

CAHOON A zone change request from Cahoon Enterprises, LLC, with technical
ENTERPRISES assistance from Sands Surveying, Inc. for property within the Highway 93
LLC ZONE North Zoning District. The proposal would change the zoning on property
CHANGE located at 412 & 480 Tronstad Road near Kalispell, MT from *SAG-10*
(FZC-19-23) *Suburban Agricultural* to *SAG-5 Suburban Agricultural*. The total acreage
6:02 PM involved in the request is approximately 32.597 acres.

STAFF REPORT Rachel Ezell reviewed staff report FZC-19-23 for the board.
6:03 PM

**BOARD
QUESTIONS
6:05 PM**

None

**APPLICANT
PRESENTATION
6:05 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicants. He informed the board that they had turned in this zone change in concert with the preliminary plat, which was the next item on the agenda. They had put it together as a packaged deal so that they could create a cluster subdivision, creating a large 20 acre tract along with some smaller tracts that would reflect the density in the surrounding neighborhood.

**BOARD
QUESTIONS
6:06 PM**

Nogal wondered how he went from five to cluster and if there was a problem with building on some of the land. Mulcahy explained cluster would give a density bonus. They had looked at the back portion of the property as a pasture area. The owner would like to use that portion for horses, which is why they were looking at a cluster, so that they could get a little more density while keeping it an estate tract.

**AGENCY
COMMENTS
6:07 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
6:07 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-19-23)
6:08 PM**

Sirucek made a motion, seconded by Nogal, to adopt staff report FZC-19-23 as findings of fact.

**BOARD
DISCUSSION
6:08 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FZC-19-23)
6:08 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-19-23)
6:08 PM**

Stevens made a motion, seconded by Sirucek, to recommend approval of FZC-19-23 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:09 PM**

Nogal said she felt Tronstad was the line that was going to be more important regarding the breakup of large parcels into smaller parcels. She thought this was the buffer zone had talked about; where it went from urban to rural. She felt this type of encroachment was where they say we hold the line, or they don't, in maintaining the open space. She realized the cluster sounded good but cautioned the board to think about this type of change.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-19-23)
6:11 PM**

The motion passed 6-1 on a roll call vote. Nogal dissented.

**WHITEFISH
STAGE ESTATES
(FPP-19-13)
6:11 PM**

A request from Cahoon Enterprises, LLC, with technical assistance from Sands Surveying, Inc. and Foley Engineering for preliminary plat approval of Whitefish Stage Estates Subdivision, a proposal to create nine (9) lots intended for residential use on approximately 32.597 acres. The applicant is proposing individual and shared wells and septic systems and primary access will be from a new internal subdivision road via Whitefish Stage and Tronstad Road. The property is located at 412 & 480 Tronstad Road.

**STAFF REPORT
6:12 PM**

Erin Appert reviewed staff report FPP-19-13 for the board.

**BOARD
QUESTIONS
6:16 PM**

Larsen asked for a copy of the proposed amendment of conditions which staff had requested.

**APPLICANT
PRESENTATION
6:16 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, was the representative for the applicants. He concurred with all of the findings of fact and conditions, with the exception of #20 which was raised by the planning staff. In preparation for the preliminary plat application and environmental assessment, they had worked with MDOT on the location and alignment of the approach onto Whitefish Stage. They moved it south to align it with the existing approach with the property to the east. In addition, they spoke with the MDOT to look at the Whitefish Corridor to make improvements and potentially expand the right-of-way. They had designed the lots along Whitefish Stage so that they could accommodate the setbacks and the no build zone. He explained why he preferred not to put an easement on a particular part of the property when they did not know if that easement would be fully utilized and why, instead, he wanted to put in place a no build zone. This allowed the landowner and MDOT to work out what will be needed.

**BOARD
QUESTIONS
6:19 PM**

Horn asked about the no build location and Mulcahy said it was only on Whitefish Stage.

**AGENCY
COMMENTS
6:19 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
6:19 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-19-13)
6:20 PM**

Sirucek made a motion, seconded by Stevens, to adopt staff report FPP-19-13 as findings of fact.

**BOARD
DISCUSSION
6:20 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FPP-19-13)
6:20 PM**

Motion was passed unanimously on a roll call vote.

**BOARD
DISCUSSION
6:20 PM**

Adams stated amending condition #20 would require amending findings of fact #4 and #5 which pertained to an easement. Larsen stated they could not go back and amend the findings of fact after a motion had been voted on. Stevens suggested including a statement in the addendum. The board acknowledged they overlooked the need for discussion regarding amending findings of fact #4 and #5 in order to support the amendment of condition #20 and asked that be passed along to the Commissioners.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-19-13)
6:22 PM**

Adams made a motion, seconded by Stevens, to recommend approval of FPP-19-13 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:23 PM**

The board discussed making the amendments as suggested by staff.

**MOTION TO
AMEND
CONDITION #20
6:23 PM**

Adams made a motion, seconded by Sirucek, to accepted the recommended amendment to condition #20 to state:

A 50 foot wide easement for roadway improvements and a pedestrian and bicycle path shall be shown on the face of the final plat for the entire length of the subdivision along the west side of Whitefish Stage. [Sections 4.7.8, 4.7.19 FCSR and FOF 4, 5, 19] The areas within 50 feet of the Whitefish Stage right-of-way shall be designated as a 'No Build Zone' on the face of the final plat. [Section 4.7.8, 4.7.19 FCSR and FOF 4, 19]

**BOARD
DISCUSSION
6:23 PM**

None

**ROLL CALL TO
AMEND
CONDITION #20
6:23 PM**

The motion passed unanimously on a roll call vote

**MOTION TO ADD
CONDITION #25
6:24 PM**

Adams made a motion, seconded by Sirucek, to add Condition #25 to state:

A 15-foot wide pedestrian and bicycle path easement shall be shown on the face of the final plat adjacent to the Whitefish Stage right-of-way. [Section 4.7.19 FCSR, FOF 5]

**BOARD
DISCUSSION
6:24 PM**

None

**ROLL CALL TO
ADD CONDTION
#25
6:24 PM**

The motion passed unanimously on a roll call vote

**BOARD
DISCUSSION
6:25 PM**

Sirucek had a special knowledge of the subject property because it had been in his family in years past. He hated to see it subdivided but approved of the plan they had presented.

Larsen agreed with Sirucek and said it was nice to see a cluster development every once in a while because it kept a big piece of property but the lots were something that would be easily maintained. He liked the proposal and hoped to see more like that.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-19-13)
6:26 PM**

The motion passed on a 7-1 roll call vote. Nogal dissented.

**ASHE & JOLLY
ZONE CHANGE
(FZC-19-10)
6:26 PM**

A zone change request from 406 Engineering on behalf of David A. & Christie J. Jolly and William & Cheryl Ashe for property in the Highway 93 North Zoning District. The proposal would change the zoning on two parcels located at 1801 and 1870 Pine Grove Lane, Kalispell, MT from *SAG-10 (Suburban Agricultural)* to *SAG-5 (Suburban Agricultural)*. The total acreage involved in the request is approximately 20.56 acres.

**STAFF REPORT
6:27 PM**

Donna Valade reviewed staff report FZC-19-10 for the board.

**BOARD
QUESTIONS
6:29 PM**

Nogal asked if they needed to have a zone change in order to facilitate a family transfer. Valade explained it still needed to comply with zoning and the reasons why.

**APPLICANT
PRESENTATION
6:30 PM**

Nathan Lucke with 406 Engineering, 905 South Main St., represented the applicants who were also present for questions. He was in agreement with the findings of facts. He reiterated that the subject property was significantly surrounded by SAG-5 zoning to the north and south and pointed out the development in the area.

**BOARD
QUESTIONS
6:31 PM**

Sirucek asked how it would be split due to the complexity of the layout of the lots. Lucke said that there were two properties there and explained that there would be a parcel to the north of the road and one to the south. He explained in detail what the lots would look like if they were to be split.

**AGENCY
COMMENTS
6:32 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
6:32 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-19-10)
6:33 PM**

Nogal made a motion, seconded by Sirucek, to adopt staff report FZC-19-10 as findings of fact.

**BOARD
DISCUSSION
6:33 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FZC-19-10)
6:33 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-19-10)
6:33 PM**

Sirucek made a motion, seconded by Adams, to recommend approval of FZC-19-10 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:33 PM**

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-19-10)
6:34 PM**

The motion passed unanimously on a roll call vote

**ZUZU LLC –
SCOTT RUTA
ZONE CHANGE
(FZC-19-24)
6:34 PM**

A zone change request and neighborhood plan amendment by ZuZu, LLC/Scott Ruta in the Highway 93 North Zoning District. The proposal would change the zoning on an unaddressed parcel located on Highway 93 North near Kalispell, MT (assessor #0355735) from *SAG-10 (Suburban Agricultural)* to *B-3/HO (Community Business/Highway Overlay)*. The total acreage involved in the request is approximately 4.86 acres.

**STAFF REPORT
6:35 PM**

Donna Valade reviewed staff report FZC-19-24 for the board.

**BOARD
QUESTIONS
6:39 PM**

Larsen asked about finding #8 and if it was referencing the City of Kalispell's plan. Valade said it was. Larsen read the statute and wondered if there was something that stated they had to be in compliance with their growth policy. Staff and board discussed in detail the statutes and compatibility.

**APPLICANT
PRESENTATION
6:40 PM**

Scott Ruta, address not mentioned, was the applicant and discussed the zone amendment to the south of the subject property and the request made by commissioners for frontage road to be developed. He discussed in details his

plans for an easement for development. He was requesting the zone change because he intended to create a medical complex on the site.

**BOARD
QUESTIONS
6:42 PM**

None

**AGENCY
COMMENTS
6:42 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
6:42 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-19-24)
6:42 PM**

Stevens made a motion, seconded by Horn, to adopt staff report FZC-19-24 as findings of fact.

**BOARD
DISCUSSION
6:43 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FZC-19-24)
6:43 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-19-24)
6:43 PM**

Stevens made a motion, seconded by Horn, to recommend approval of FZC-19-24 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:44 PM**

Adams addressed the comment from the City of Kalispell Planning Department, recommending denial. He felt it was odd to recommend denial based on the fact that the property was currently vacant. He wondered how someone was supposed to develop it into a business if it was not zoned accordingly. He felt this was the right order to rezone it first in order to develop it.

Larsen felt that the road addressed one of the concerns.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-19-24)
6:45 PM**

The motion passed on 7-1 a roll call vote. Sirucek dissented.

**GOODE FAMILY
TRUST ZONE
CHANGE
(FZC-19-25)
6:46 PM**

A zone change request and neighborhood plan amendment by Gregory A. Goode & Roxanne Goode, Trustees of the Amended and Restated Declaration of Trust Gregory A. Goode, in the Willow Glen Zoning District. The proposal would change the zoning on property located at 2385 Highway 93 S near Kalispell, MT from *B-2 (General Business)* and *R-1 (Suburban Residential)* to *I-1 (Light Industrial)*. The total acreage involved in the request is 9.5.

**STAFF REPORT
6:46 PM**

Erik Mack reviewed staff report FZC-19-25 for the board.

**BOARD
QUESTIONS
6:48 PM**

Stevens asked if it was being evaluated by the City Master Plan and the resolutions dated from 1986. He wondered if they were evaluating it by the master plan or the growth policy. Staff discussed that it was being evaluated by the City-County Master Plan. It was the neighborhood plan that was still in effect for this area. Stevens asked if that was the 1986 plan and staff confirmed it was. Staff discussed how it was outdated and the problems that arise with having an outdated plan.

Sirucek found that finding #1 appeared to be in conflict. Staff cleared up what his interpretation was in detail.

Nogal said she was confused as to why the applicant did not have to connect to city services. Staff said it came down to cost. He believed the applicant was proposing to do dry storage where they would not have to connect to services. Nogal pointed out that the applicant was limiting himself to acceptable uses. Staff confirmed that, if he were to do anything else, he would most likely have to annex in to the city.

Larsen asked what the County Master Plan would recommend and staff replied highway commercial or residential. Larsen asked what the city would recommend and staff replied the same. Larsen asked if there was much overlap with what could be put in the I-1 zoning districts. Staff said there was a lot of overlap and discussed this in great detail.

**APPLICANT
PRESENTATION
6:56 PM**

Greg Goode, 1639 HWY 2 W, was the applicant and made the point that it would never be R-1. His anticipated use was for dry storage. About 60% of the adjacent property was light industrial as well. In comparison, his proposal would bring in 90% less traffic than what the neighboring (Murdoch's) business brought in. He addressed the city comment of concern and said that whatever he would do would be presentable to the city.

**BOARD
QUESTIONS
7:00 PM**

None

**AGENCY
COMMENTS
7:00 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
7:00 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-19-25)
7:01 PM**

Stevens made a motion, seconded by Nogal, to adopt staff report FZC-19-25 as findings of fact.

**BOARD
DISCUSSION
7:01 PM**

Stevens felt certain sections of the staff report had misleading language due to the outdated Kalispell City-County Master Plan. They discussed in great detail why the zone change complied with the plan.

**MOTION TO
AMEND F.O.F. #2
7:05 PM**

Stevens made a motion, seconded by Horn, to amend finding of fact #2 to be as such:

The proposed Master Plan map amendment does not comply with all of the text and goals of the Master Plan because *no amendment ever complies with every text and goals of the master plan. even though the Master Plan notes a deficiency in industrial uses within the planning jurisdiction and the proposal would add industrial acreage and ingress and egress will not traverse directly through residential neighborhoods; the applicant is not proposing to connect to City services, and the property is not buffered from residential uses to the northwest.*

**BOARD
DISCUSSION
7:06 PM**

None

**ROLL CALL TO
AMEND F.O.F. #2
7:06 PM**

Motion was passed unanimously on a roll call vote.

**BOARD
DISCUSSION
7:07 PM**

Stevens discussed finding of fact #6 and the amendments he felt were needed due to the fact that the parcel was adjacent to the Kalispell City Water and Sewer.

**MOTION TO
AMEND F.O.F. #6
7:08 PM**

Stevens made a motion, seconded by Adams, to amend finding of fact #6 to be as such:

The proposed amendment may **not** facilitate the adequate provision of water and sewerage because **the parcel has access to public sewer and water. the applicant is not proposing to connect to City water and Sewer services and many of the uses listed in I-1 would likely require public water and sewer, however if the applicant moves ahead with the proposed mini-storage use review would likely not be required Flathead City-County Health Department and the Montana Department of Environmental Quality.**

**BOARD
DISCUSSION
7:09 PM**

Larsen discussed the difficulty of a finding when I-1 and B-2 allowed mini storage that did not require sewer and water. He supported the amendment.

**MOTION TO
AMEND F.O.F. #6
7:09 PM**

Motion was passed unanimously on a roll call vote.

**BOARD
DISCUSSION
7:10 PM**

None

**ROLL CALL TO
ADOPT F.O.F. AS
AMENDED
(FZC-19-25)
7:10 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-19-25)
7:10 PM**

Stevens made a motion, seconded by Nogal, to recommend approval of FZC-19-25 to the Board of County Commissioners.

**BOARD
DISCUSSION
7:10 PM**

Stevens discussed, in great detail, the complication of using a 1986 Master Plan to make land use decisions in 2020. He felt the proposal was reasonable but acknowledged that it was difficult to write a reasonable staff report based on an '86 Master Plan, which did not take in to consideration all the things that have happened since then.

Adams discussed the City of Kalispell's comments and why I-1 would, in fact, be a good fit there.

Sirucek felt that if the owner did what he proposed to do, it would fit well. He had some concern on how it backed up against some of the lots within the subdivision to the eastern side, and hoped for some buffering, but the majority of the property line was adjacent to the park.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-19-25)
7:18 PM**

The motion passed unanimously on a roll call vote

**EK SUBDIVISION
(FPP-19-14)
7:19 PM**

A request from Matt & Lynette Ek, with technical assistance from TD&H Engineering for preliminary plat approval of Ek Subdivision, a proposal to create two (2) industrial lots on approximately 2.721 acres. The subdivision will be served by on-site septic and wells and primary access will be from Round Stone Drive via Cemetery Road. The property is located at 125 Round Stone Drive.

**STAFF REPORT
7:19 PM**

Erik Mack reviewed staff report FPP-19-14 for the board.

**BOARD
QUESTIONS
7:22 PM**

None

**APPLICANT
PRESENTATION
7:22 PM**

Will Goodpastor with TD&H Engineering, 450 Corporate Drive, Suite 101, represented the applicant. He was in agreement with the finding of facts and stated he was available for questions.

**BOARD
QUESTIONS
7:23 PM**

**AGENCY
COMMENTS
7:23 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
7:23 PM**

None

MAIN MOTION TO ADOPT F.O.F. (FPP-19-14) 7:23 PM	Sirucek made a motion, seconded by Nogal, to adopt staff report FPP-19-14 as findings of fact.
BOARD DISCUSSION 7:23 PM	None
ROLL CALL TO ADOPT F.O.F. (FPP-19-14) 7:23 PM	Motion was passed unanimously on a roll call vote.
MAIN MOTION TO RECOMMEND APPROVAL (FPP-19-14) 7:24 PM	Sirucek made a motion, seconded by Nogal, to recommend approval of FPP-19-14 to the Board of County Commissioners.
BOARD DISCUSSION 7:24 PM	Nogal questioned staff if there was a condition regarding fencing. Staff replied no. Nogal said it was proposed in the application and wondered if it had become a condition. Staff said they were not really doing construction for a typical subdivision and conditions would not be enforceable once it went to final plat.
ROLL CALL TO RECOMMEND APPROVAL (FPP-19-14) 7:25 PM	The motion passed unanimously on a roll call vote
FLATHEAD COUNTY LAKESHORE VARIANCE (FLV-19-06) 7:25 PM	A request by Hafferman Engineering, Inc. on behalf of Flathead County for a Major Lakeshore Variance to the fill standards of Flathead County Lake and Lakeshore Protection Regulations (FCLR), specifically Sections 4.3F(2)(h) (2), (4), (5), and (6). The applicant is seeking place 600 cubic yards of gravel fill to create a dynamic equilibrium gravel beach. The subject property is located at 7225 Highway 93 in Lakeside.
STAFF REPORT 7:26 PM	Erik Mack reviewed staff report FLV-19-06 for the board.

**BOARD
QUESTIONS
7:29 PM**

None

**APPLICANT
PRESENTATION
7:29 PM**

Kurt Hafferman with Hafferman Engineering, Inc., 860 N. Meridian Rd., represented the applicants and was in agreement with the staff report and was available for questions.

**BOARD
QUESTIONS
7:29 PM**

None

**AGENCY
COMMENTS
7:29 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
7:30 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FLV-19-06)
7:30 PM**

Sirucek made a motion, seconded by Nogal, to adopt staff report FLV-19-06 as findings of fact.

**BOARD
DISCUSSION
7:30 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FLV-19-06)
7:30 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FLV-19-06)
7:31 PM**

Adams made a motion, seconded by Sirucek, to recommend approval of FLV-19-06 to the Board of County Commissioners.

**BOARD
DISCUSSION
7:31 PM**

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FLV-19-06)
7:31 PM**

The motion passed unanimously on a roll call vote

**SAND WEDGE
LLC
LAKESHORE
VARIANCE
(FLV-19-07)
7:31 PM**

A request by Hafferman Engineering, Inc. on behalf of Sand Wedge LLC for a Major Lakeshore Variance to the fill standards of Flathead County Lake and Lakeshore Protection Regulations (FCLR), specifically Section 4.3F(2)(h) (2), (4), (5), and (6). The applicant is seeking place 1,350 cubic yards of gravel fill to create a dynamic equilibrium gravel beach. The subject property is located at 7195 and 7185 Highway 93 in Lakeside, MT.

**STAFF REPORT
7:32 PM**

Erik Mack reviewed staff report FLV-19-07 for the board.

**BOARD
QUESTIONS
7:33 PM**

None

**APPLICANT
PRESENTATION
7:33 PM**

Kurt Hafferman with Hafferman Engineering, Inc., 860 N. Meridian Rd., was the representative for the applicants and said this project was a little different, however, would match the other one. He spoke of the benevolence of the people that were buying the property and doing the work. They were looking forward to getting the project done and thought it would be a nice addition. He discussed how they were going to get the dock permits once they knew it was approved.

**BOARD
QUESTIONS
7:34 PM**

Sirucek asked if the ownership would transfer to the county. Hafferman said that once it was finished it would be consolidated and then ownership would transfer over to the county.

**AGENCY
COMMENTS
7:34 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
7:35 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FLV-19-07)
7:35 PM**

Sirucek made a motion, seconded by Nogal, to adopt staff report FLV-19-07 as findings of fact.

**BOARD
DISCUSSION
7:35 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FLV-19-07)
7:35 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FLV-19-07)
7:36 PM**

Nogal made a motion, seconded by Sirucek, to recommend approval of FLV-19-07 to the Board of County Commissioners.

**BOARD
DISCUSSION
7:36 PM**

Larsen stated it was a really good looking park. He felt the plans were nice. He stated the equilibrium beach concept had worked fairly well in different areas and felt that it was a good proposal for this property. He was happy to see the nice application(s) and felt it would be positive for Lakeside residents.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FLV-19-07)
7:37 PM**

The motion passed unanimously on a roll call vote

**TRAILS PLAN
7:50 PM**

The Flathead County Trails Plan has been updated by the Flathead County Parks Board. The Flathead County Trails Plan, which is an element of the Flathead County Growth Policy, requires a public hearing to process the Trails Plan as an element of the growth policy.

**STAFF REPORT
7:52 PM**

Pete Woll, President of the Weed and Parks Board, represented the Parks and Rec Department and presented the request to update the Trails Plan. They had requested to update the trails plan several years ago. They started out with a committee but had discovered they had been obligated, by a former commissioner, to take and pay for a lot of maintenance to be done on the three main trails. The trails of concern were asphalt trails which required a lot of money to replace. At that time, they had to reign back in order to find out where the county was going to come up with the financial backing to do the projects. He said they had been on the same funding for the last 15-20 years and had leveled out. He presented this as an addendum to the main trail project. He hoped it would go through and would progress forward.

**BOARD
QUESTIONS
7:53 PM**

Sirucek addressed letters received suggesting there were problems with the GIS map which showed private trails that were not in the public system. He suggested that the [Parks and Rec] Department look at the letter. The map that had been submitted did not apparently jive with the ownership.

Woll said that he was surprised when that letter had come through because they had already worked on that. He said there would probably be some more that would need to be addressed from the old plan; not only Stoltz but some of the other paper companies as well.

Sirucek felt it was a weakness that the plan was dependent on community groups and yet there was no discussion of coordination with groups over time. His concern was that a group would be fired up to build a trail but may not be willing to follow through with maintenance. He did not see anything in the plan to hold the group's feet to the fire and wished there was some type of MOU between the county and the group.

Woll said he did not disagree [with Sirucek]. There were a lot of loose ends so that they could respond to some of the groups.

**AGENCY
COMMENTS
7:57 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

Larsen discussed that they had received approximately 25 written [public] comments tonight.

**PUBLIC
COMMENT
7:58 PM**

Helen Pilling, 2075 Coon Spring, was proud to live right on the Great Northern Historical Trail and had worked to make it happen for over 30 years. It was the trail that needed the most maintenance because it was paved. Because it was paved, it attracted all types of people. She felt the Parks and Weed Department had watered down the plan that many groups had taken over a year to put together, which was a comprehensive trail plan. She said Rails to Trails had done an amazing job of writing grants and getting things done for 30 years. She said it was too bad that there will be a moratorium on any new trails being built until further notice. She felt the reason why they were in this situation was because there hadn't been a plan. She felt what was needed was a comprehensive plan that was inclusive. She proposed the board look further into the second rendition of the PATHS Trail Plan.

Walter Rowntree, 22 5th Ave East, asked that the board prioritize this as a quality of life item for all those in the county and the city. He wanted them to know that expansion was very important.

Orrin Webber, 460 Orchard Ridge Rd., had been involved in some of the planning and said PATHS had worked very hard to put together a very detailed plan. When he looked at this plan, he did not notice any footnotes

that pointed out where the allowable expenses came from. There was no mention of PATHS 2. He felt it was a rough draft of a proposed maintenance agreement that did not address everything that was required for the Growth Plan. He proposed that the PATHS 2 program be adopted as presented and worked on for over a year and half, with a lot of public participation. He said that this plan had no public participation.

Mark Crowley, 3061 Haywire Gulch, was the current president of Rails to Trails Program. They were instrumental in developing the Great Northern Rails to Trails. They worked in partnerships with county agencies and private land owners. The 22 mile trail had been developed with blood sweat and tears. They had put their time and treasure in to it and continued to maintain it. They recently applied for a grant to do some trail maintenance. It was a significant investment. They were asking for over \$100,000 because the asphalt was deteriorating and for past due maintenance. They were here to work with the county to maintain the trails and wanted to work with Weed and Parks Department. They recently provided the Weed and Parks Department with archived maintenance agreements that designated Flathead County to be responsible for maintenance of those trails. Those were some of the early trails and maintenance agreements which were sufficiently vague. As years went by, the agreements were updated to specify what was and was not considered maintenance. Subsequently, County Planning had asked that they provide cash which they supported moving forward. His request was that this plan, as submitted, be rejected and the PATHS 2 Plan, developed 2 years ago, be adopted. He felt the trails benefited everybody even if they did not set foot on it.

Erica Wirtala, 110 Cooperative Way, was the public affairs director for NMAR and represented the realtors. She submitted a letter of comment for review. She said this plan was a start but this was going to be an addendum to the Growth Policy and therefore needed to be a plan. She felt it was a general disappointment as a plan. A plan looked into the future and was a proposal of doing or achieving something grand. It was not just a snapshot of what currently existed or a regression of an existing plan. A plan without goals, aspirations, and expectations was short sighted and small minded. She felt our community deserved better. Trails were a huge investment in our community. She stated a community that had walkability drove its economics and gave examples of how this was evident. She urged the Planning Board to take this plan as a starting point. She was concerned about a plan that did not take into consideration future connectivity, or trails in the unzoned areas of the county, was an unrealistic view. The plan needed to be grand in scale and scope.

Mary Desharm, 123 Ashley Hills Drive, lived right across the way from the trail. She was disappointed over the moratorium on Evergreen Pass. She was concerned for the safety of the kids who had to walk to Evergreen School and asked when they would get a trail developed there. She proposed the Crown

to the Continent Trail that could be publicized nationwide.

Gabe Dillon, 219 E Nicklaus Ave, was part of the PATHS 2 process and saw it through until its end. They had worked with the board to update the language until Feb 2018, when the plan was tabled, until last month. He recommended that the zoning board consider revising this plan and integrating some of the elements from the 2018 PATHS 2 drafted plan into something more substantial. He said that it contained information that was originally questioned but lacks most of the elements. He said that in PATHS 2, they lacked the data on maintaining trails around the County. He said there was a lot of the data from Yellowstone County or groups around the country. Another piece of it was volunteerism which was not really addressed in the PATHS 2 Plan but addressed in this proposal. He supported that portion of it and felt it should be integrated into the next version.

Laura Reynolds, 22 5th Ave E, expressed how much she loved the trails. She was a member of a group called Bike/Walk Montana and was asked to show up tonight to pitch for trails. She asked the board to take the trails seriously. She also asked they work with citizen groups that have worked on the trails in order to come up with a good master plan.

Mayre Flowers with Citizens for a Better Flathead, 14 3rd St E Ste 240, started by stating the board had the opportunity to facilitate a win-win opportunity. She discussed the PATHS 2 Plan and said the update was much needed. A lot of good work had gone into it and there had been a lot of public involvement. She felt this was the plan that needed to come before the Planning Board before it goes on to the Commissioners as a Growth Policy Amendment. The win-win was that they also had the Weed and Parks Board coming tonight and they provided a plan, which was a focused and narrow plan looking at maintenance and their obligation, which was important for the public to understand and recognize the significance of that. She asked that they table this plan, task the staff to look at how the two plans can be integrated together, then bring it back as a workshop in order to come up with a win/win bold vision of trails within the county and the maintenance. The maintenance portion was going to take additional work. There was a group that was meeting on a regular basis that were still looking at the issue of funding. It was still an important element and she felt the community support was there.

Jim Watson, Foys Canyon Rd, was a member of the Flathead County Parks and Rec Board that assembled and wrote the 2010 Trails Plan. He was not directly involved in writing the 2018 Plan but had observed it and noted that both plans had a tremendous amount of public involvement. The plan brought forward tonight had been written behind closed doors by the Weed and Parks Staff. This was the first time that the public had opportunity to see it. He felt there were elements that were worthy but should be revised by [Planning and Zoning], who were professional planners and knew what they are doing, and

incorporate it into the plan. He questioned the contractual obligations of the contracts dated from 2001. He did not feel the last two plans should be held hostage while the new one was being worked on.

**BOARD
DISCUSSION
8:26 PM**

Larsen asked what the protocol would be for this type of a file since it was not a normal project seen by the Planning Board. Mussman discussed the project history and timeline and how it ended up in front of the board now. He considered tonight as an opportunity for public comment and the board to give some type of recommendation to the Parks Board and The Planning Office as to what could be considered a reasonable path forward. They could get together and develop, or continue on one plan or other, and come back to have an official growth policy amendment to be included. That presentation would include a staff report at that time. With the information that he had, and being unsure of how to move forward, this was basically what had been decided; to move forward and take public comment. He said if the planning board decided it was an adequate plan, they could make it an official application to replace the existing plan. He said now was the time to workshop it to see what direction should be taken. He said in 2018-2019, the Planning Board, did receive the PATHS 2 plan, in preparation to be on the agenda which was subsequently pulled. The board did have some familiarity with it and could give some type of direction.

**BOARD
DISCUSSION
8:30 PM**

Stevens said it was an addendum to the Growth Policy, and when the board addressed those, they forward a recommendation to The County Commissioners. He did not feel comfortable making a recommendation to the Commissioners with the financial details because he did not want to tie their hands financially because he did not understand what the implications would be of any proposed plan. He was concerned that there were already more trails than there was funding to maintain. It was reasonable to take a look at what they had, the monetary needs to maintain it, and once they figured out how to maintain that, they could go ahead with a Trails Plan that would include new trails. There was not going to be any new trails until the funding was figured out. He said the problem was that when the trails first went in, they had the funds to build them but they did not obligate anybody to maintain them. He felt this plan put the horse back before the cart and gave the commission some direction on how they are going to pay for it. As far as an addendum to the growth policy was concerned, this trails plan did they even have to vote on it or could it just be forwarded to the Commissioners.

Mussman said one suggestion that was made to the Parks Dept. was that what was reviewed tonight could be blessed as a good solid policy, to move forward with trail maintenance and not be a part of the 2010 Trails Plan that has been incorporated into the growth policy. He felt that the trails plan in front of them seemed to be a reasonable conclusion; that they did not want to build more trails until they figured out how to pay for it. He felt this was more of a policy

than a plan. Mussman said that it was not a typical plan that the board reviewed. The Growth Policy was a plan. The past two Trails Plans were plans that have been adopted. There was a Trails Plan that had been incorporated in to the Growth Policy already. This lacked a lot of the elements of a traditional plan. It certainly comes to the point and identified an issue that Flathead County has on trails. There were some strategies that could be pursued to address the maintenance issues so that they could go forward to amend the existing trails plan because there is a funding mechanism worked out for maintenance. He suggested the Parks Dept and Planning could lobby the Commissioners to ask how they could make it a policy for the existing trails. There was documentation in there that could be satisfactory. If the decision was to move forward to replace the plan with an official amendment, he would have to develop a staff report to go through official protocol.

Stevens said what he was thinking was that, what it did was it enabled the County Commission to address and prioritize the funding for maintenance. Once you could figure out the stuff that you already had, then you would have some idea as to how much money you would have to build new stuff because funding for maintenance had already been identified. Mussman said they were not talking about revision but about policy. Stevens pointed out that Rails to Trails was funded through grants. Mussman discussed the grant process for the most recent trails that he was aware of and it was his understanding that the grant was to be used for future maintenance.

Stevens said he did not like to financially obligate the Commission because he did not have the information. If this were to go forward as a policy, it was going to allow them to concentrate on getting the funding to maintain the existing trails. At that point, they could direct the Planning Board, as to what they wanted to do for the trails plan. Mussman said that the PATHS 2 plan, was briefly put on the Planning Board agenda, and was premature because the Parks Board had not made a recommendation to pass on a recommendation to the Planning Board. Mussman said he was unsure of an official notification that the Parks Board was ready to go with this particular document. He said that this was a good starting point for public input.

Stevens felt that this might be the spur for them to figure out their funding and enable them to figure out the funding for maintenance. They needed to figure out how to take care of what they had.

Stevens felt that it should be forwarded to the County Commissioners and they could give them further direction when they were ready. He did not see the point of starting workshops.

Sirucek said that when he read the document, he did not feel that it met the criteria of a plan. He felt it was a maintenance plan, an appendix to the growth plan not a replacement, to be proposed to the Commissioners.

Adams felt that they were not able to maintain the trails that they had and should not be looking at adding more. The Planning Board did not hold the purse strings of the County. They needed to figure out the maintenance for what they had before they expanded

Nogal did not see it as a policy. She accepted it for all of it's intentions but did not see what there was to move on to the commissioners.

Stevens clarified that Mussman had suggested that if they wanted to forward the document this evening, they would recommend it as an appendix to the 2010 plan. Mussman said his recommendation was to come up with a direction and a consensus then they could move forward to make an official recommendation with an official staff report and analysis.

Stevens wanted to get it to the Commissioner level. If he could get it as an appendix to the 2010 plan, he would be content.

**MOTION TO
FORWARD
TRAILS
APPENDIX
8:59 PM**

Stevens made a motion, seconded by Horn, to forward a positive recommendation to adopt the proposed plan as an appendix to the 2010 Trails Plan.

**BOARD
DISCUSSION
8:59 PM**

Nogal questioned if they should change the name to the Flathead County Trails Appendix. They discussed the need to take out the word plan.

Larsen understood the public concern that it was not a comprehensive trails plan. He saw it as a document that the Parks Department put together to identify a real problem with the trails. He spent a lot of time on the trails. He looked at the maintenance and was aware of the deterioration and felt it needed to be addressed. He acknowledged that a lot of people worked hard at putting together a comprehensive plan. They could work on it again but if the Commissioners were not going to support that, they would just be wasting their time putting together the big plan and not have it go anywhere. He suggested forwarding it as an addendum with the idea that there were a lot of people who wanted a comprehensive update of a comprehensive plan, he wanted to get some direction from the Commissioners as to if they wanted them to do that. The Parks Board really wanted to get the funding issue solved. He did not feel like it was a bad idea to send it to the Commissioners for direction.

Mussman reminded them that there was a draft put together in 2017 or 2018 of a comprehensive plan to replace the 2010 plan. The work had been done. He was not sure what the cause of it stalling out was but it was not like they had to start from square one again. The information and data collected in that project

was not that old and they could move forward with parts of that document plus this. In the meantime, they could recommend this as an addendum or chapter to the Trails Plan.

Larsen brought up that he wanted to address the map concerns to make sure that was taken care of. Mussman assured it would be corrected when it was presented to the commissioners. Larsen asked for the Commissioners to give them direction as to whether or not they wanted them to go through it.

**ROLL CALL TO
FORWARD
TRAILS PLAN
9:08 PM**

Motion was passed unanimously on a roll call vote.

**OLD BUSINESS
9:09 PM**

None

**NEW BUSINESS
9:09 PM**

Mussman notified them that they will be discussing the Growth Policy in April 2020.

**ADJOURNMENT
9:12 PM**

The meeting was adjourned on a motion by Stevens and Nogal at approximately 9:12 p.m. The next meeting will be held March 11, 2020.



Jeff Larsen, Chairman



Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 3 / 11 /20